

STATE OF INDIANA)
) SS:
COUNTY OF MARION) CAUSE NO. 06-FR- 001

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
SHARE GROUP, INC.)
)
Respondent.)

FILED
APR 06 2006 JM
SPECIAL SERVICES
ALI

COMPLAINT

The Petitioner, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Matt Light, pursuant to the Professional Fundraiser Consultant and Solicitor Registration Act, Indiana Code § 23-7-8-1 *et. seq.*, and the Administrative Orders and Procedures Act, Indiana Code § 4-21.5-3 *et. seq.*, files its Complaint against Respondent, Share Group, Inc., and in support alleges and states:

PARTIES

1. The Petitioner, State of Indiana, is an enforcing authority of Ind. Code § 23-7-8-1 *et. seq.*, and the Indiana Administrative Code, 11 IAC 3-1 *et. seq.*, and is authorized to bring this action pursuant to Ind. Code § 23-7-8-8(g).

2. The Respondent, Share Group, Inc. ("Share Group"), is a Massachusetts corporation with a principal place of business at 99 Dover Street, Somerville, Massachusetts, 02144.

3. Sheila O'Bryan McGrath is the Director of the Consumer Protection Division, Office of the Attorney General ("Division"), pursuant to Ind. Code § 4-6-9-2, and is the ultimate authority of the Division pursuant to Ind. Code § 4-21.5-1-15.

FACTS

4. At least since 1996, Respondent has acted as a professional solicitor on behalf of charitable organizations by soliciting persons residing in Indiana for contributions.

5. In 1996, Respondent initially became registered as a professional fundraiser solicitor with the Division.

American Jewish Committee

6. On March 8, 2004, Respondent filed with the Division Respondent's solicitation notice with American Jewish Committee ("AJC"), which is located in New York City, New York.

7. On March 8, 2004, Respondent filed with the Division a copy of Respondent's contract with AJC, which is dated August 1, 2003.

8. According to Respondent's solicitation notice with AJC, the solicitation campaign was projected to start on March 25, 2004 and end on July 31, 2004.

9. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with AJC ended, a financial report as required by Ind. Code § 23-7-8-2(f).

10. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with AJC by October 29, 2004. Respondent filed the financial report on February 14, 2005.

Gay, Lesbian & Straight Education Network

11. On January 30, 2002, Respondent filed with the Division Respondent's solicitation notice with Gay, Lesbian & Straight Education Network ("GLSEN"), which is located in New York City, New York.

12. On January 30, 2002, Respondent filed with the Division a copy of Respondent's contract with GLSEN, which is dated April 10, 2001.

13. According to Respondent's solicitation notice with GLSEN, the solicitation campaign was projected to start on February 15, 2002 and end on June 30, 2002.

14. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with GLSEN ended, a financial report as required by Ind. Code § 23-7-8-2(f).

15. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with GLSEN by September 28, 2002. Respondent filed an inaccurate and incomplete report on two occasions and has failed to file a completed report.

International Rescue Committee

16. On November 8, 2004, Respondent filed with the Division Respondent's solicitation notice with International Rescue Committee ("IRC"), which is located in New York City, New York.

17. On November 8, 2004, Respondent filed with the Division a copy of Respondent's contract with IRC, which is dated August 26, 2004.
18. According to Respondent's solicitation notice with IRC, the solicitation campaign was projected to start on November 25, 2004 and end on August 25, 2005.
19. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's 2004-2005 solicitation campaign with IRC ended, a financial report as required by Ind. Code § 23-7-8-2(f).
20. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its 2004-2005 solicitation campaign with IRC by November 23, 2005. Respondent filed the financial report on February 27, 2006.

Lambda Legal Defense and Education Fund

21. On March 1, 2004, Respondent filed with the Division Respondent's solicitation notice with Lambda Legal Defense and Education Fund ("LLDEF"), which is located in New York City, New York.
22. On March 1, 2004, Respondent filed with the Division a copy of Respondent's contract with LLDEF, which is dated November 1, 2003.
23. According to Respondent's solicitation notice with LLDEF, the solicitation campaign was projected to start on March 19, 2004 and end on October 31, 2004.
24. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with LLDEF ended, a financial report as required by Ind. Code § 23-7-8-2(f).

25. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with LLDEF by January 29, 2005. Respondent filed the financial report on April 19, 2005.

National Association for the Advancement of Colored People

26. On February 18, 2004, Respondent filed with the Division Respondent's solicitation notice with National Association for the Advancement of Colored People ("NAACP"), which is located in Baltimore, Maryland.

27. On February 18, 2004, Respondent filed with the Division a copy of Respondent's contract with NAACP, which is dated September 1, 2003.

28. According to Respondent's solicitation notice with NAACP, the solicitation campaign was projected to start on March 9, 2004 and end on August 31, 2004.

29. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with NAACP ended, a financial report as required by Ind. Code § 23-7-8-2(f).

30. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with NAACP by November 29, 2004. Respondent filed the financial report on February 10, 2005.

NARAL Pro-Choice America

31. On December 6, 2004, Respondent filed with the Division Respondent's solicitation notice with NARAL Pro-Choice America ("NARAL"), which is located in Washington, District of Columbia.

32. On December 6, 2004, Respondent filed with the Division a copy of Respondent's contract with NARAL, which is dated October 1, 2004.

33. According to Respondent's solicitation notice with NARAL, the solicitation campaign was projected to start on December 23, 2004 and end on September 30, 2005.

34. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with NARAL ended, a financial report as required by Ind. Code § 23-7-8-2(f).

35. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with NARAL by December 29, 2005. Respondent filed the financial report on February 17, 2006.

National Wildlife Federation

36. On January 7, 2002, Respondent filed with the Division Respondent's solicitation notice with National Wildlife Federation ("NWF"), which is located in Reston, Virginia.

37. On January 7, 2002, Respondent filed with the Division a copy of Respondent's contract with NWF, which is dated November 1, 2001.

38. According to Respondent's solicitation notice with NWF, the solicitation campaign was projected to start on January 26, 2002 and end on August 31, 2002.

39. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with NWF ended, a financial report as required by Ind. Code § 23-7-8-2(f).

40. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with NWF by November 29, 2002.

Respondent filed an inaccurate and incomplete report on two occasions and has failed to file a completed report.

Oxfam America

41. On March 24, 2004, Respondent filed with the Division Respondent's solicitation notice with Oxfam America ("Oxfam"), which is located in Boston, Massachusetts.

42. On March 24, 2004, Respondent filed with the Division a copy of Respondent's contract with Oxfam, which is dated December 1, 2003.

43. According to Respondent's solicitation notice with Oxfam, the solicitation campaign was projected to start on April 12, 2004 and end on October 31, 2004.

44. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Oxfam ended, a financial report as required by Ind. Code § 23-7-8-2(f).

45. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with Oxfam by January 29, 2005. Respondent filed the financial report on March 7, 2005.

People For the American Way

46. On November 19, 2002, Respondent filed with the Division Respondent's solicitation notice with People For the American Way ("PFAW"), which is located in Washington, District of Columbia.

47. On November 19, 2002, Respondent filed with the Division a copy of Respondent's contract with PFAW, which is dated April 1, 2002.

48. According to Respondent's solicitation notice with PFAW, the solicitation campaign was projected to start on December 4, 2002 and end on March 31, 2003.

49. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with PFAW ended, a financial report as required by Ind. Code § 23-7-8-2(f).

50. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with PFAW by June 29, 2003. Respondent filed the financial report on July 28, 2004.

Planned Parenthood Federation of America

51. On November 14, 2002, Respondent filed with the Division Respondent's solicitation notice with Planned Parenthood Federation of America ("PPFA"), which is located in New York City, New York.

52. On November 14, 2002, Respondent filed with the Division a copy of Respondent's contract with PPFA, which is dated July 10, 2002.

53. According to Respondent's solicitation notice with PPFA, the solicitation campaign was projected to start on December 3, 2002 and end on July 9, 2003. On July 15, 2003, Respondent filed a contract addendum with the Division that extended the term of the solicitation campaign to December 31, 2003.

54. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file financial reports regarding its solicitation campaign with PPFA by March 1, 2004 and March 30, 2004, respectively. The former report was required to cover the campaign period

from December 3, 2002 to December 2, 2003, and the latter report was required to cover the campaign period from December 3, 2002 to December 31, 2003.

55. Respondent failed to file with the Division, not later than ninety (90) days after the anniversary of the commencement of the solicitation campaign with PPFA, a financial report as required by Ind. Code § 23-7-8-2(f).

56. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with PPFA ended, a financial report as required by Ind. Code § 23-7-8-2(f).

Project H.O.P.E.: The People-to-People Health Foundation, Inc.

57. On December 6, 2001, Respondent filed with the Division Respondent's solicitation notice with Project H.O.P.E: The People-to-People Health Foundation ("Project H.O.P.E."), which is located in Millwood, Virginia.

58. On December 6, 2001, Respondent filed with the Division a copy of Respondent's contract with Project H.O.P.E, which is dated June 1, 2001.

59. According to Respondent's solicitation notice with Project H.O.P.E., the solicitation campaign was projected to start on December 27, 2001 and end on May 31, 2002.

60. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Project H.O.P.E. ended, a financial report as required by Ind. Code § 23-7-8-2(f).

Unitarian Universalist Association

61. On June 11, 2004, Respondent filed with the Division Respondent's solicitation notice with Unitarian Universalist Association ("UUA"), which is located in Boston, Massachusetts.

62. On June 11, 2004, Respondent filed with the Division a copy of Respondent's contract with UUA, which is dated January 1, 2004

63. According to Respondent's solicitation notice with UUA, the solicitation campaign was projected to start on January 1, 2004 and end on December 31, 2004.

64. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with UUA ended, a financial report as required by Ind. Code § 23-7-8-2(f).

WBEZ Alliance a.k.a. WBEZ Chicago Public Radio (2002 campaign)

65. On January 23, 2002, Respondent filed with the Division Respondent's solicitation notice with WBEZ Alliance a.k.a. WBEZ Chicago Public Radio ("WBEZ"), which is located in Chicago, Illinois.

66. On January 23, 2002, Respondent filed with the Division a copy of Respondent's contract with WBEZ, which is dated September 1, 2001.

67. According to Respondent's solicitation notice with WBEZ, the solicitation campaign was projected to start on February 11, 2002 and end on August 31, 2002.

68. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with WBEZ ended, a financial report as required by Ind. Code § 23-7-8-2(f).

WBEZ Alliance a.k.a WBEZ Chicago Public Radio (2004 campaign)

69. On July 12, 2004, Respondent filed with the Division Respondent's solicitation notice with WBEZ Alliance a.k.a. WBEZ Chicago Public Radio ("WBEZ"), which is located in Chicago, Illinois.

70. On July 12, 2004, Respondent filed with the Division a copy of Respondent's contract with WBEZ, which is dated July 1, 2003.

71. According to Respondent's solicitation notice with WBEZ, the solicitation campaign was projected to start on July 30, 2004 and end on August 31, 2004.

72. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with WBEZ ended, a financial report as required by Ind. Code § 23-7-8-2(f).

73. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with WBEZ by November 29, 2004. Respondent filed the financial report on December 29, 2004.

Zero Population Growth

74. On August 28, 2001, Respondent filed with the Division Respondent's solicitation notice with Zero Population Growth, Inc. ("ZPG"), which is located in Washington, District of Columbia.

75. On August 28, 2001, Respondent filed with the Division a copy of Respondent's contract with ZPG, which is dated April 2, 2001.

76. According to Respondent's solicitation notice with ZPG, the solicitation campaign was projected to start on September 2, 2001 and end on April 2, 2002.

77. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with ZPG ended, a financial report as required by Ind. Code § 23-7-8-2(f).

78. Pursuant to Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-2, Respondent was required to file a financial report regarding its solicitation campaign with ZPG by July 1, 2002. Respondent filed an inaccurate and incomplete report on July 16, 2002 and has failed to file a completed report.

VIOLATIONS

79. Respondent is a "professional solicitor" as defined by Indiana Code § 23-7-8-1.

80. Respondent must comply with 11 IAC 3-1-1 through 11 IAC 3-8-4.

81. By failing to file complete and timely financial reports with the Division containing information concerning Respondent's campaigns with AJC, GLSEN, IRC, LLDEF, NAACP, NARAL, NWF, Oxfam, PFAW, PPFA, Project H.O.P.E, UUA, WBEZ (2002 campaign), WBEZ (2004 campaign), and ZPG, as referred to in paragraphs 9, 14, 19, 24, 29, 34, 39, 44, 49, 55, 56, 60, 64, 68, 72, and 77, above, Respondent violated 11 IAC 3-7-2.

104. By failing to file complete and timely financial reports with the Division containing information concerning Respondent's campaign with AJC, GLSEN, IRC, LLDEF, NAACP, NARAL, NWF, Oxfam, PFAW, PPFA, Project H.O.P.E, UUA, WBEZ (2002 campaign), WBEZ (2004 campaign), and ZPG, as referred to in paragraphs 9, 14, 19, 24, 29, 34, 39, 44, 49, 55, 56, 60, 64, 68, 72, and 77, above, Respondent may be assessed a fine, pursuant to

11 IAC 3-7-3(a), of up to One Hundred Dollars (\$ 100.00) for each campaign for each month or part of a month that elapsed after the financial report was due.

RELIEF

WHEREFORE, the Petitioner, State of Indiana, further requests that the Division enter an order against Respondent for the following relief:

- a. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with GLSEN, covering the campaign period from February 15, 2002 to June 30, 2002;
- b. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with NWF, covering the campaign period from January 26, 2002 to August 31, 2002;
- c. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's anniversary financial report with PPFA, covering the campaign period from December 3, 2002 to December 2, 2003;
- d. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with PPFA, covering the campaign period from December 3, 2002 to December 31, 2003;
- e. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with Project H.O.P.E, covering the campaign period from December 27, 2001 to May 31, 2002;

f. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with UUA, covering the campaign period from January 1, 2004 to December 31, 2004;

g. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with WBEZ, covering the campaign period from February 11, 2002 to August 31, 2002;

h. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's end-of-campaign financial report with ZPG, covering the campaign period from September 2, 2001 to April 2, 2002;

i. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on October 29, 2004 and ending on February 14, 2005, that Respondent failed to file a timely financial report for Respondent's campaign with AJC;

j. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on September 28, 2002, that Respondent has failed to file an financial report for Respondent's campaign with GLSEN;

k. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 23, 2005 and ending on February 27, 2006, that Respondent failed to file a timely financial report for Respondent's campaign with IRC;

l. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on January 29, 2005 and ending on April 19, 2005, that Respondent failed to file a timely financial report for Respondent's campaign with LLDEF;

m. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 29, 2004 and ending on February 10, 2005, that Respondent failed to file a timely financial report for Respondent's campaign with NAACP;

n. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on December 29, 2005 and ending on February 17, 2006, that Respondent failed to file a timely financial report for Respondent's campaign with NARAL;

o. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 29, 2002, that Respondent has failed to file an financial report for Respondent's campaign with NWF;

p. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on January 29, 2005 and ending on March 7, 2005, that Respondent failed to file a timely financial report for Respondent's campaign with Oxfam;

q. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on June 29, 2003 and ending on July 28, 2003, that Respondent failed to file a timely financial report for Respondent's campaign with PFAW;

r. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on March 1, 2004, that Respondent has failed to file an anniversary financial report for Respondent's campaign with PPFA;

s. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on March 30, 2004, that Respondent has failed to file an end-of-campaign financial report for Respondent's campaign with PPFA;

t. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on August 29, 2002, that Respondent has failed to file an financial report for Respondent's campaign with Project H.O.P.E.;

u. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on March 31, 2005, that Respondent has failed to file an financial report for Respondent's campaign with UUA;

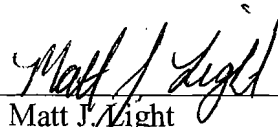
v. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 29, 2002, that Respondent has failed to file an financial report for Respondent's 2002 campaign with WBEZ;

w. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on November 29, 2004 and ending on December 29, 2004, that Respondent failed to file a timely financial report for Respondent's 2004 campaign with WBEZ;

x. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$ 100.00) for each month or part of a month, beginning on July 1, 2002, that Respondent has failed to file an financial report for Respondent's campaign with ZPG;

y. all other just and proper relief.

Respectfully submitted,
STEVE CARTER
Indiana Attorney General
Atty. No. 4150-64

By: 
Matt J. Light
Deputy Attorney General
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